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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/765,874

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Thomas F. Perkins

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EXAMINER

RENDON, CHRISTIAN E

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/765,874	<b>Applicant(s)</b> PERKINS, THOMAS F.	
	<b>Examiner</b> Christian E. Rendón	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 January 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-4, 6, 8-9, 13 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by ‘Quiz Bingo!’**

**([http://web.archive.org/web/20031130062847/www.geocities.com/alquizzes/Quiz\\_Choicesx.htm](http://web.archive.org/web/20031130062847/www.geocities.com/alquizzes/Quiz_Choicesx.htm))**

1. The archived site of ‘A.L. Quizzes & Games’ discloses a game called ‘Quiz Bingo!’ The set for this version of bingo contains: 50 questions and answers, bingo grids and a set of rules. Each question is associated with a ‘number’ possibly found on one of the grids. The first player to answer the associated question of a called out ‘number’ correctly wins the ‘square’. The first correct completion of a line: row, column or diagonal or a full house wins a prize. For the record, a full house is a bingo pattern in which a player covers all the numbers on the bingo card.
2. Regarding claims 2-3, any version of bingo inherently contains a central selection square labeled ‘FREE’ on the bingo cards.
3. Regarding claims 6 and 8, in bingo a ‘host’ administrates the game by calling out the selected numbers. Therefore a host is not a participant of a bingo game. In the scope of ‘Quiz Bingo!’ the host would also ask the questions and confirm the answers in order to keep the game fair. These questions and answers are printed on cards that are turn-able or that can be flipped easily since this is a home game.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3714

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over 'Quiz Bingo!' in view of one of ordinary skill.**

4. The above description of the invention disclosed by 'A.L. Quizzes & Games' and the limitations they pertain is considered within this art rejection as well. In a game of Bingo, the first player to mark a row, column or diagonal and call out Bingo is the winner of the round. In terms of "Quiz Bingo!," the art is silent about how a host will determine which player out of the multiple player has the right to answer a question first. If the game set failed to provide an electronic device that makes a loud sound then the inventor was expecting the players to bring his or her own or to scream out a phrase like 'Bingo' to obtain the right to answer the question. In other words the decision is left to the player since common knowledge is need to fulfill the players' gaming preferences. Therefore, it would have been obvious to one of ordinary skill to provide a buzzer as a means to obtain the host's attention.

5. Regarding claim 11, in the event two players have the right to response to a question the prior art is silent in describing the resolution to this outcome. It would have been obvious to one of ordinary skill to apply the typical trivia game rule. If the player who obtained the right to answer first fails to answer correctly then the second player who was not quick enough to obtain the right to answer, now has a chance to answer the question. This rule is used in many trivia games like 'Jeopardy!' and 'Family Feud' therefore this practice is common knowledge.

**Claims 5, 12 and 16-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over 'Quiz Bingo!' in view of Seelig et al. (US 7,037,194 B2).**

Art Unit: 3714

6. The above description of the invention disclosed by 'A.L. Quizzes & Games' and the limitations they pertain is considered within this art rejection as well. The description of "Quiz Bingo!" is silent about how a number is randomly selected. Most likely this requirement was left to the players to decide since 'Quiz Bingo!' is a non-electrical home game. However, Seelig discloses a slot machine with a jumbled ball display (Seelig: fig. 1a, 12).
7. Seelig discloses an electronic device that provides a primary game (col. 6, lines 27-30) and 'Bingo' bonus game (col. 13, lines 38-40). Slot reels that are spun and stop to produce a random result form a matrix of rows and columns that are used to determine a payline. When a player achieves special predefined payline or symbol, he or she proceeds to a bonus game offering a player chance to win a bonus prize (col. 13, lines 11-13).
8. Casino game designers are always looking for new ways to produce a device that will increase the excitement and enjoyment experienced by players viewing and interacting with the game (Seelig: col. 14, lines 41-45). Seelig discloses that many different variations of a 'Bingo' bonus game may be utilized (Seelig: col. 13, lines 38-39), which is another means of increasing a player's enjoyment experience. Therefore it would have been obvious to one of ordinary skill to incorporate 'Quiz Bingo!' as the 'Bingo' bonus game in the invention disclosed by Seelig to create a unique experience. Casino games that incorporate skills or knowledge in their games offer players a sense of better odds of winning since he or she has some control over the outcome.
9. Regarding claims 5 and 12, Seelig discloses that a controller removes and replaces the 'prize balls' (fig. 3, 92) from a rotating ball holder (fig. 3, 58) contained within the machine (col. 9, lines 66-67) & placed in a display window (fig. 1a, 30) for a player to examine (col. 7, lines 41-42).
10. Regarding claims 16 and 19, Seelig discloses a touch screen display as a possible input device (col. 8, lines 21-22). Therefore the gaming device must contain a graphical user interface to

Art Unit: 3714

allow a player to activate the available functions. The gaming machine contains a controller adapted to generate a variety of displays (col. 8, lines 15-16).

11. Regarding claims 20-21, Seelig discloses the gaming machine containing a communication device (fig. 14, 512) to allow the machine interaction with other devices (col. 16, lines 8-9). This communication device can be a modem, network interface device, or a wireless network communication device (col. 16, lines 11-12), which will allow the gaming machine access to a network like the Internet.

12. Regarding claims 17-18, Seelig discloses a slot machine that allows a player to play a game of 'Bingo' on their own or with a group of people (fig. 1C) through a communication device (fig. 14, 512) that provides a network connection, therefore the device is able to function as a terminal.

**Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over 'Quiz Bingo!' in view of Toss Across (<http://www.joson.com/year/wastheyear/1969.htm>) as evidenced by ([http://en.wikipedia.org/wiki/Toss\\_Across](http://en.wikipedia.org/wiki/Toss_Across)).**

13. The above description of the art combination of the invention disclosed by 'A.L. Quizzes & Games' and Seelig, plus the limitations they pertain is considered within this art rejection as well. The 'Quiz Bingo!' game is silent about turn-able tiles or signs that determine a prize.

14. The game 'Toss Across' requires players to toss a small beanbag from a considerable distance at a rotatable tile attached to a board. The tile is has three sides: X, O, blank therefore is pyramid shaped. A player can randomly or strategically select a tile to rotate and if the tile rotates to the right symbol the player will winning a prize or the game.

15. It would have been obvious to one of ordinary skill to combine 'Quiz Bingo!' with 'Toss Across' to create a game of luck, skill and intelligence. There is a current market targeting parents who want their young children to play games that encourage learning (asking and answering

Art Unit: 3714

questions) through a fun (luck) and an active (skill) game that has replay value. These parents believe these games will promote a faster and more advance brain development in their children.

16. Regarding claim 7, the prior art discloses pyramid shaped tiles while the applicant has cubed shaped tiles. Since the applicant discloses that only three out of the six sides are in use it is a matter of design choice to have cube shaped tiles instead of pyramid shaped tiles.

### **Conclusion**

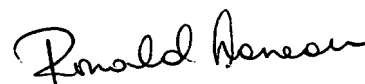
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian E. Rendón whose telephone number is 571-272-3117. The examiner can normally be reached on 9 - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christian E Rendón  
Examiner  
Art Unit 3714

CER

  
RONALD LANEAU  
PRIMARY EXAMINER

7/6/07